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## **KAHEA Sues State for Failure to Protect Northwestern Hawaiian Islands**

*Former employee says DLNR has a policy of ignoring Hawaii's environmental laws*

July 21, 2009 – Honolulu, HI – KAHEA: The Hawaiian-Environmental Alliance today filed suit against the Hawaii Department of Land and Natural Resources (DLNR) for failing to conduct legally required environmental reviews before granting hundreds of permits for access to the highly protected Papahānaumokuākea Marine National Monument in the Northwestern Hawaiian Islands.

The lawsuit, which was filed in state circuit court in Honolulu, asks the court to halt the unlawfully permitted activities and the granting of new permits until the DLNR complies with state law.

The islands are revered as sacred by Native Hawaiian cultural and religious practitioners as the path of souls to the next life. The region is also world renown for its diversity of endangered species, unique deep sea coral reefs, and rare predator-dominated ecosystem.

"Our Kupuna Islands are protected and revered for a reason," said Kumu Hula Vicky Holt-Takamine, KAHEA's Board President. "This is not the wild west; there are laws here. Laws that are meant to protect our natural resources and the best interests of Hawaii's people. DLNR must follow these laws. Monument managers can't just turn the Northwestern Hawaiian Islands into their own private research and fishing get-away."

The fragile coral ecosystems of the state waters of the Northwestern Hawaiian Islands were protected as a state refuge in 2005 over 100,000 people wrote letters and submitted testimony in favor of stringent protections for federal and state waters in the NWHI.

In setting this region aside for protection, state and federal regulators committed to a "do no harm" policy for all human activities allowed there. The Monument, Reserve and Refuges are intended to be one of the most protected places on earth, with access strictly limited by the do-no-harm policy and applicable state and federal laws.

Yet since 2007, the DLNR Board has approved over a hundred permits to access the monument without conducting environmental reviews of the proposed activities, including dumping of vessel wastewater, taking thousands of marine species specimens, and fishing in the largest no-take marine reserve in the world.

"This is about protecting Hawaii's public trust resources," said KAHEA Board member, Cha Smith. "We praised the State for its leadership in setting the highest level of environmental protection within the Monument, but that praise was based on the belief that those strong protections would actually be enforced by the State. The state did not even make a cursory review of the cultural and environmental impacts of all these permits in the Monument."

Last week, an attorney laid off from the DLNR filed a suit alleging he was illegally fired for reporting these serious violations of state environmental law violations to his supervisors. This whistleblower suit alleges that DLNR had a policy of ignoring state law that required thoroughly assessing proposed activities in the NWHI for impacts on the environment and Native Hawaiian culture, as well as a 30-day public comment period.

"When the Monument was established, the State made certain it retained responsibility for all of its lands and waters, which are the most sensitive in the whole region," said Marti Townsend, staff attorney and program director for KAHEA. "We have been raising these concerns for a long time now, only to find out that staff had a policy of ignoring environmental laws. Joint management can only be successful when the strictest protections of the three co-managing agencies are followed. The law cannot be ignored."

"Such gross mismanagement of this fragile public trust resource calls for strong measures," said Stephanie Fried, Executive Director of `Ulu Foundation. "We urge the DLNR to reinstate the protective state permitting guidelines and permit conditions originally established by the Land Board as a result of feedback from scientists and the public. The abrogation of state stewardship of these fragile and highly protected resources must cease."

"For too long we have done nothing but take, take, take from the Northwest Islands. It is time we change our attitude about this place entirely -- there should be no human footprint there," said Louis "Buzzy" Agard, a former NWHI commercial fisher as well as a KAHEA Board Member. "If we leave it be, this remote ecosystem can be what replenishes the exploited waters of the Main Islands so they can once again be the refrigerator for the people of Hawaii. But when the 'do no harm' rule is ignored, the good work for which this area was set aside cannot be done."

Public hearings regarding the NWHI will be held tonight, 6:00-8:00 pm, at the Monument Management Offices (6600 Kalaniana'ole Hwy, suite 300 in Honolulu) and tomorrow, 9:00 am, at the Board of Land and Natural Resources (1151 Punchbowl St. room 132 in Honolulu).

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